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Attorneys for Defendants  
A & S ELECTRONICS, INC., d/b/a  
TRUSTPRICE.COM, and ALAN Z. LIN

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICROSOFT CORPORATION, a  
Washington corporation,

Plaintiff,

v.

A&S ELECTRONICS, INC., a California  
corporation, d/b/a TRUSTPRICE.COM;  
ALAN Z. LIN, an individual; and  
JOHN DOES 1-5,

Defendants.

NO. CV 08-02321 CW

**FED. R. CIV. P. 26(f) REPORT**

On July 29, 2008, counsel for Plaintiff Microsoft Corporation ("Microsoft") and Defendants A&S Electronics, Inc. ("A&S Electronics") and Alan Z. Lin ("Lin") (collectively, the "A&S Defendants") met by telephone conference pursuant to Fed. R. Civ. P. 26(f) to confer regarding the nature of claims and defenses, Rule 26(a)(1) disclosures, and to develop a proposed discovery plan. The following is a result of this conference.

1           1.     Initial Disclosures.

2                 The parties will exchange their Fed. R. Civ. P. 26(a) initial disclosures within 14 days  
3 of the parties' Fed. R. Civ. P. 26(f) conference.

4           2.     Plaintiff--Subject Matter of Discovery.

5                 As of this time, Plaintiff intends to serve discovery requests regarding, but not  
6 necessarily limited to, Defendants' sales records, customer records, shipping records, information  
7 regarding other individuals and/or entities from whom Microsoft product was received and to whom  
8 Microsoft product was marketed, sold, provided or distributed, bank accounts and financial  
9 information, employee identification and information, the computers each defendant used in their  
10 business operations, and any profits made from the sales of Microsoft products. Plaintiff may seek to  
11 depose Defendants and other identified fact witnesses, as well as any experts identified by Defendants.  
12 Plaintiff reserves its right to seek discovery on other relevant issues based upon its further  
13 investigation and discovery.

14          3.     Defendant--Subject Matter of Discovery.

15                 Defendants plan to serve discovery requests relevant to any and all allegations in  
16 Microsoft's complaint and defendants' affirmative defenses. Relevant topics include, but are not  
17 necessarily limited to, Microsoft's sale and distribution of software products, including copies of and  
18 licenses to the Microsoft works identified in the complaint, relationship with the defendants,  
19 Microsoft's Student Media program, Microsoft's "Authorized Education Reseller" program,  
20 Microsoft's "Fresh Start" program, product keys for Microsoft software, any other technological  
21 measures designed to control access to Microsoft software, Microsoft's domestic and international  
22 manufacturing and distribution program, any alleged geographic restrictions placed on the sale or  
23 transfer of authorized copies of Microsoft software, any indicia of ownership or lack of ownership by  
24 Microsoft of copies of the works identified in the Complaint, Microsoft's efforts to investigate  
25 allegedly unlawful or infringing distribution of copies of Microsoft's works, any and all purchases of  
26 copies of the software in controversy in this case by Microsoft or its agents, and Microsoft's alleged  
27 damages. Defendants reserve the right to seek discovery on other issues based upon its further  
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1 investigation and discovery.

2 Defendants may seek to depose one or more Microsoft representatives, including  
3 pursuant to Fed. R. Civ. P. 30(b)(6), and any experts identified by Microsoft. Defendants also reserve  
4 the right to depose any fact witnesses identified during the course of discovery.

5 4. Discovery Deadlines.

6 The parties submit the following suggested deadlines for discovery:

7 Fact Discovery Deadline: February 16, 2009

8 Expert Disclosure Deadline: March 6, 2009

9 Expert Discovery Deadline: April 17, 2009

10 5. Electronic Discovery.

11 The parties agree that no changes or additions should be made to the rules concerning  
12 the disclosure and discovery of electronically stored information imposed under the applicable Federal  
13 Rules of Civil Procedure and the Local Civil Rules.

14 6. Claims of Privilege or of Protection as Trial Preparation Material.

15 The parties have no current agreement on this issue to submit to the Court and expect to  
16 assert any such claims if and when they arise.

17 7. Directives or Limitations on Discovery.

18 The parties agree that no changes or additions should be made to the limitations on  
19 discovery imposed under the Federal Rules of Civil Procedure and the Local Civil Rules. The parties  
20 agree that there is no need to conduct discovery in phases.

21 8. Other Orders Pursuant to Rule 26(c) or under Rule 16(b) and (c).

22 The parties reserve the right to circulate and request entry of a Protective Order to the  
23 extent necessary. The parties will comply with this Court's requirements for protective orders and the  
24 treatment of confidential information.

DATED this 12<sup>th</sup> day of August, 2008.

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**A&S ELECTRONICS and ALAN Z. LIN**

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served upon the following parties and/or counsel of record, by the means designated below, this 12th day of August, 2008.

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- ☐ Via Federal Express
- ☐ Via Hand Delivery
- ☐ Via U.S. Mail
- ☒ Via ECF Notification

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